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AVIATION, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

Renaldo Navarro,

Plaintiff,

vs.

Menzies Aviation, Inc., DOING BUSINESS AS  
MENZIES; and DOES 1 through 10, inclusive,

Defendants.

Case No. 3:19-cv-8157

**DEFENDANT MENZIES AVIATION,  
INC.'S FURTHER SUPPLEMENTAL  
APPENDIX OF EVIDENCE IN RESPONSE  
TO COURT'S ORDER TO SUPPLEMENT  
THE RECORD**

State Court Action Filed: 10/23/19

Action Removed: December 16, 2019

In response to the Court's Order of December 23, 2020 directing Defendant Menzies Aviation, Inc. to supplement the record on summary judgment, Menzies hereby submits this Further Supplemental Appendix of Evidence with true and correct copies of the materials requested by the Court.

Exhibit	Description
53.	Further Supplemental Declaration of Christopher Ward
54.	August 23, 2018 Employee Performance Development Suspension Notice regarding Plaintiff Renaldo Navarro (authenticated at 46:4-48-13 of the previously-filed Exhibit 48)
55.	August 29, 2018 Notice To Employees As To Change In Relationship issued to Plaintiff Renaldo Navarro (containing both the Navarro-produced and Menzies-produced versions, along with extracts of Plaintiff's deposition testimony providing additional authentication for the document)

DATED: December 28, 2020

**FOLEY & LARDNER LLP**

Christopher Ward

Jason Wu

Sara Alexis Levine Abarbanel

/s/ Christopher Ward

CHRISTOPHER WARD

Attorneys for Defendant MENZIES AVIATION,  
INC.

# **EXHIBIT 53**

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MENZIES; and DOES 1 through 10, inclusive,

Defendants.

Case No. 3:19-cv-8157

**FURTHER SUPPLEMENTAL  
DECLARATION OF CHRISTOPHER  
WARD**

State Court Action Filed: 10/23/19

Action Removed: December 16, 2019

**SUPPLEMENTAL DECLARATION OF CHRISTOPHER WARD**

I, Christopher Ward, declare as follows:

1. I am an attorney admitted to practice before all state and federal courts in the State of California, including the United States District Court for the Northern District of California, and a partner at Foley & Lardner LLP, counsel of record for Defendant Menzies Aviation, Inc. I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I could and would competently testify thereto.

2. On August 23, 2018, Menzies' Duty Manager John Qually attempted to deliver to Renaldo Navarro an Employee Performance Development Document informing him of Menzies' decision to suspend him pending an investigation. Mr. Qually noted on that document that Mr. Navarro refused to sign it. Menzies produced a copy to Plaintiff Bates marked as MENZIES \_000099. A true and correct copy of that suspension notice is attached hereto as **Exhibit 54**. Additionally, Mr. Qually's testimony, found at 46:4-48:13 of the previously filed Exhibit 48, authenticates this document.

3. On August 29, 2018, Menzies notified Mr. Navarro that it was terminating his employment and issued him a written notice memorializing the reasons for that decision. Plaintiff refused to sign a copy of that notice, but retained a copy and produced it to Menzies, Bates marked as RenaldoNavarro 000004. Menzies also produced a copy of the same document to Mr. Navarro (although Mr. Navarro's copy is easier to read) as MENZIES\_000083. A true and correct copy of this termination notice, containing both the Navarro and Menzies versions, along with the deposition testimony of Mr. Navarro offering additional authentication, is attached hereto as **Exhibit 55**.

I declare under penalty of perjury under the laws of the States of California and Illinois, and the laws of the United States, that the foregoing is true and correct.

Executed on December 28, 2020 at Elmhurst, Illinois.

/s/ Christopher Ward  
Christopher Ward

# EXHIBIT 54





## EMPLOYEE PERFORMANCE DEVELOPMENT

<b>EMPLOYEE NAME</b> Renaldo R. Navarro		<b>TODAY'S DATE:</b> 8/20/18
<b>AIRPORT/ LOCATION:</b> SFO	<b>CLOCK#:</b> 200827	<b>DEPARTMENT:</b> SFO-ITP
<b>JOB TITLE:</b> Fueling Supervisor II		

### INCIDENT DESCRIPTION GOAL/EXPECTATION

☐ Attendance
 ☒ Conduct
 ☐ Safety
 ☐ Work Performance

Nature of Incident: Unpaid suspension pending investigation.

Goal / Expectation: It is expected that employees follow all policies and procedures. Failure to follow Company policies and procedures will result in further disciplinary action up to and including termination.

☐ Coaching
 ☒ Suspension  
☐ Level 1
 ☐ Demotion to : \_\_\_\_\_  
☐ Level 2
 ☐ Final Warning

### EMPLOYEE GOALS/CORRECTIVE ACTIONS

Employee's Comments:

RAY NAVARRO Refused to sign.

### SIGNATURES

Signature of Supervisory Manager

Print Name

8/23/18  
 Date

Signature of Hr/Senior Management

Print Name

Date

Employee Signature Received

Date



# **EXHIBIT 55**



# MENZIES AVIATION

## NOTICE TO EMPLOYEES AS TO CHANGE IN RELATIONSHIP (Termination Notice Pursuant to Provisions on Section 1089 of the California Unemployment Insurance Code)

NAME: Renaldo Navarro SSN: 621-51-2756

Your employment status has changed for the reason(s) checked below:

- ☐ You are being suspended from work on \_\_\_\_\_, 20 \_\_\_\_
- ☒ You are being laid off or terminated on 29-Aug-18, 20 \_\_\_\_
- ☐ You are choosing to quit your job on \_\_\_\_\_, 20 \_\_\_\_
- ☐ You are going on leave of absense starting \_\_\_\_\_, 20 \_\_\_\_
- with a return to work date of \_\_\_\_\_, 20 \_\_\_\_

The reason(s) for the separation:

- ☐ Voluntary quit.
- ☐ Layoff due to unavailable work.
- ☐ Leave of absence for reason(s) specified in the comment section below.
- ☐ Discharged for cause as specified in the comment section below.
- ☐ Refusal to accept available work. Job refused is described in the comment section below.

Comments: "Code of Conduct"

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Renaldo Navarro*  
Human Resource Signature  
Date 8/29/18

Menzies Aviation-650-697-7260  
Company

### Notice of Acknowledgement

I received a copy of this notice on \_\_\_\_\_, 20 \_\_\_\_

Signed

*Key rec'd Copy refused to sign TAI*  
8/29/18 12

Notice to Manager/Supervisor: Give employee a copy of signed notice. Forward original and all associated documentation (including Employee Status Change Notice) to Human Resources.

jrslc:mydocuments\humanresources\hrforms\ (revised 5/01)

RenaldoNavarro 000004

# MENZIES AVIATION

## NOTICE TO EMPLOYEES AS TO CHANGE IN RELATIONSHIP (Termination Notice Pursuant to Provisions on Section 1089 of the California Unemployment Insurance Code)

NAME: Renaldo Navarro SSN: 621-51-2756

Your employment status has changed for the reason(s) checked below:

- ☐ You are being suspended from work on \_\_\_\_\_, 20 \_\_\_\_
- ☒ You are being laid off or terminated on 29-Aug-18, 20 \_\_\_\_
- ☐ You are choosing to quit your job on \_\_\_\_\_, 20 \_\_\_\_
- ☐ You are going on leave of absense starting \_\_\_\_\_, 20 \_\_\_\_
- with a return to work date of \_\_\_\_\_, 20 \_\_\_\_

The reason(s) for the separation:

- ☐ Voluntary quit.
- ☐ Layoff due to unavailable work.
- ☐ Leave of absence for reason(s) specified in the comment section below.
- ☐ Discharged for cause as specified in the comment section below.
- ☐ Refusal to accept avaiable work. Job refused is described in the comment section below.

Comments: "Code of Conduct"

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Renaldo Navarro* Menzies Aviation-650-697-7260  
Human Resource Signature Company

Date 8/29/18

Notice of Acknowledgement

I received a copy of this notice on \_\_\_\_\_, 20 \_\_\_\_

Signed *Renaldo Navarro* 8/29/18 TH

Notice to Manager/Supervisor: Give employee a copy of signed notice. Forward original and all associated documentation (including Employee Status Change Notice) to Human Resources.

jrs\\c:\mydocuments\humanresources\hrforms\ (revised 5/01)

MENZIES\_000083

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RENALDO NAVARRO,	)	<b>CERTIFIED COPY</b>
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.
	)	3:19-cv-08157-VC
MENZIES AVIATION, INC., DOING	)	
BUSINESS AS MENZIES; and	)	
DOES 1 through 10, inclusive,	)	
	)	
Defendants.	)	
_____	)	

Webex deposition of RENALDO NAVARRO, VOLUME I,  
taken remotely on behalf of the Defendant, beginning at  
9:41 a.m. and ending at 4:23 p.m., on Thursday,  
July 23, 2020, before JOANNA B. BROWN, Certified  
Shorthand Reporter No. 8570, RPR, CRR, RMR.

1 APPEARANCES OF COUNSEL:

2 FOR PLAINTIFF RENALDO NAVARRO:

3 LIBERATION LAW GROUP, P.C.

BY: ARLO GARCIA URIARTE, ESQ.

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5 (415) 695-1000

(415) 695-1006 Fax

6 arlo@liberationlawgroup.com

7 FOR DEFENDANT MENZIES AVIATION, INC., dba MENZIES:

8 FOLEY & LARDNER LLP

BY: CHRISTOPHER G. WARD, ESQ.

9 555 South Flower Street, Suite 3300

Los Angeles, California 90071-2411

10 (213) 972-4500

(213) 486-0065 Fax

11 cward@foley.com

12 ALSO PRESENT:

13 CAROLINE CARRERA, TAGALOG INTERPRETER #301298

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1	I N D E X		
2	EXAMINATION OF:		PAGE
3	RENALDO NAVARRO		
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		Group "Incident Report" dated	
11		March 18, 2007, Bates	
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		Change in Relationship," Bates	
14		Nos. MENZIES_000143 and	
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	Exhibit 3	Aircraft Service International	
16		Group "Incident Report" dated	
		March 30, 2009, Bates	
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18	Exhibit 4	"Employee Coaching Document"	
		for a May 30, 2009, warning,	
19		Bates No. MENZIES_000139 (1 page)	39
20	Exhibit 5	"Employee Coaching Document"	
		for a May 18, 2010, warning,	
21		Bates Nos. MENZIES_000135 and	
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	Exhibit 6	"Employee Coaching Document"	
23		for a May 3, 2012, warning,	
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25		Bates No. MENZIES_000127 (1 page)	42



1	E X H I B I T S		
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3	Exhibit 8	Letter to "Menziess Management"	
4		from Menziess fueler, Bates	
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8		Andrew Dodge, Bates	
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10	Exhibit 10	Text-message exchange, Bates	
11		No. MENZIES_000088 (1 page)	56
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13		Christopher Lawrence, Bates	
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16		Andrew Dodge August 16, 2018,	
17		Bates No. MENZIES_000089	
18		(1 page)	66
19	Exhibit 13	"Employee Performance Development,"	
20		Bates No. MENZIES_000099 (1 page)	79
21	Exhibit 14	Typed statement by John Qually,	
22		Bates No. MENZIES_000084 (1 page)	82
23	Exhibit 15	Set of documents produced, Bates	
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26	Exhibit 16	Plaintiff's Initial Disclosures	
27		Pursuant to Federal Rule of	
28		Civil Procedure 26(a)(1)	
29		(3 pages)	105

## UNANSWERED QUESTIONS

23	PAGE	LINE
24	14	10
25		

1 Remotely; Thursday, July 23, 2020

2 9:41 a.m.

3

4 CAROLINE CARRERA,

5 having been duly sworn, translated English into

6 Tagalog and Tagalog into English as follows:

7

8 RENALDO NAVARRO,

9 having been duly sworn, was examined

10 and testified as follows:

11

12 THE REPORTER: Good morning. My name is  
13 Joanna Brown. I am a California certified stenographic  
14 reporter. Due to the current national emergency of the  
15 COVID-19 virus, this deposition is being handled via  
16 remote means.

17 Today's date is Thursday, July 23, 2020, and  
18 the time is approximately 9:41 a.m. This is the  
19 deposition of Renaldo Navarro in the matter of  
20 Renaldo Navarro v. Menzies Aviation, Inc. This is  
21 venued in the United States District Court, Northern  
22 District of California. The case number is  
23 3:19-cv-08157-VC.

24 At this time, I will ask counsel to identify  
25 yourselves, state who you represent, and agree on the

1 record that there is no objection to this deposition  
2 officer administering a binding oath to the witness  
3 via Webex. Let's start with the noticing attorneys.

4 MR. WARD: Christopher Ward of  
5 Foley & Lardner, representing Menzies Aviation, and I  
6 have no such objection.

7 MR. URIARTE: Arlo Uriarte for Plaintiff  
8 Renaldo Navarro. No objection.

9 THE REPORTER: You do solemnly state that you  
10 will accurately and correctly translate from English to  
11 Tagalog and Tagalog to English to the best of your  
12 ability so help you God?

13 THE INTERPRETER: I do.

14 THE REPORTER: Mr. Navarro, would you raise  
15 your right hand, please. You do solemnly state that  
16 the testimony you shall give in this matter will be the  
17 truth, the whole truth, and nothing but the truth?

18 THE WITNESS: I do.

19 THE REPORTER: Thank you.

20 EXAMINATION

21 BY MR. WARD:

22 Q All right. Well, good morning, Mr. Navarro.  
23 I just introduced myself on the record. My name is  
24 Christopher Ward, and I represent Menzies Aviation.  
25 Thanks for being available this morning.

1 MR. URIARTE: Objection. Vague and ambiguous.

2 THE WITNESS: How can I refuse to sign if I  
3 did not receive any letter?

4 MR. URIARTE: Chris, I'm going to need two  
5 minutes with Mr. Navarro. I need to refresh his soul.  
6 You are asking him questions directly. Let me have two  
7 minutes with Mr. Navarro.

8 MR. WARD: All right. Let's just take five.  
9 We'll resume at 2:30.

10 MR. URIARTE: Thank you.

11 MR. WARD: We are off the record.

12 (Off the record.)

13 BY MR. WARD:

14 Q Let me see if I can get a clear answer to this  
15 question: Were you provided any documentation that you  
16 refused to sign?

17 A The one that I remember I refused to sign was  
18 the termination letter.

19 Q And other than a letter explicitly  
20 communicating that you were terminated, your testimony  
21 is there's nothing else you refused to sign in  
22 connection with this petition involving Andrew Dodge;  
23 is that correct?

24 THE INTERPRETER: I'm sorry. Please repeat  
25 the question, Mr. Ward.

1 MR. WARD: Sure.

2 Q Other than this termination letter, is it your  
3 testimony that you did not refuse to sign any other  
4 documents regarding the petition against Andrew Dodge  
5 or your suspension?

6 A Will you please repeat that.

7 Q Sure. Let me just see if I can make this as  
8 simple as possible.

9 Is the termination letter the only document  
10 you can recall receiving relating to this petition or  
11 your suspension that you refused to sign?

12 A Yes, sir.

13 Q Were you also provided a copy of that  
14 termination letter?

15 A Yes, sir.

16 Q Did you provide a copy of that termination  
17 letter to your counsel?

18 A Yes, sir.

19 MR. WARD: All right. I am going to mark as  
20 Exhibit 14 a document that's Bates-marked No. -84.

21 (Deposition Exhibit 14 was marked for  
22 identification by the reporter, a  
23 copy of which is attached hereto.)

24 BY MR. WARD:

25 Q Mr. Navarro, let me know when you've had an



1 THE INTERPRETER: I'm sorry. Please repeat  
2 that.

3 BY MR. URIARTE:

4 Q The petition was signed by at least one  
5 supervisor; is that correct?

6 A Yes.

7 Q Do you know how many signed -- how many  
8 supervisors signed the petition?

9 A Two, sir.

10 Q What are those names?

11 A July Macapagal.

12 Q Who else?

13 A And Renaldo Navarro, myself.

14 MR. URIARTE: No further questions.

15 MR. WARD: Give me just a second.

16 All right. I have no follow-up at this point.

17 Counsel and I agreed off the record that we would not  
18 be concluding Mr. Navarro's deposition subject to some  
19 questioning about his -- or I should say potential  
20 questioning about Mr. Navarro's settlement agreement  
21 with Swissport, which we'll meet and confer about as  
22 necessary; but, otherwise, we can conclude today's  
23 deposition, at least this first and potentially last  
24 day of Mr. Navarro's deposition. And at this point --  
25 we don't do any stipulations on the record anymore, at

1 least in San Francisco. Some L.A. attorneys still do  
2 it unless there's something that you want to add, Arlo.

3 MR. URIARTE: No.

4 MR. WARD: All right. I think we are  
5 concluded, then, for the day. I appreciate everybody's  
6 time and patience with this process, especially with  
7 the technology glitches on my end. Off the record.

8 (Deposition session concluded at 4:23 p.m.)

9 -oOo-

10

11

12 I certify (or declare) under penalty of  
13 perjury under the laws of the State of California that  
14 the foregoing is true and correct.

15

16 Executed at \_\_\_\_\_ on \_\_\_\_\_.  
(Place) (Date)

17

18 \_\_\_\_\_  
(Signature of Deponent)

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1 DEPOSITION OFFICER'S CERTIFICATE

2 STATE OF CALIFORNIA )

) ss.

3 COUNTY OF ORANGE )

4

5 I, Joanna B. Brown, hereby certify:

6 I am a duly qualified Certified Shorthand  
7 Reporter in the State of California, holder of  
8 Certificate Number CSR 8570 issued by the Court  
9 Reporters Board of California and which is in full  
10 force and effect. (Fed. R. Civ. P. 28(a)).

11 I am authorized to administer oaths or  
12 affirmations pursuant to California Code of Civil  
13 Procedure, Section 2093(b) and prior to being examined,  
14 the witness was first duly sworn by me.  
15 (Fed R. Civ. P. 28(a), 30(f)(1)).

16 I am not a relative or employee or attorney or  
17 counsel of any of the parties, nor am I a relative or  
18 employee of such attorney or counsel, nor am I  
19 financially interested in this action.  
20 (Fed R. Civ. P. 28).

21 I am the deposition officer that  
22 stenographically recorded the testimony in the  
23 foregoing deposition, and the foregoing transcript is a  
24 true record of the testimony given by the witness.  
25 (Fed. R. Civ. P. 30(f)(1)).

1           Before completion of the deposition, review of  
2   the transcript [XX] was [ ] was not requested. If  
3   requested, any changes made by the deponent (and  
4   provided to the reporter) during the period allowed,  
5   are appended hereto. (Fed. R. Civ. P. 30(e)).

6

7

8   Dated: August 4, 2020

9

10

A handwritten signature in blue ink, reading "Janna B. Brown", is positioned above a horizontal line.

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